

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MARK DAVIS-WRIGHT,

Plaintiff,

v.

8:12-CV-1780

UNION SUPPLY DIRECT INC.,

Defendant.

APPEARANCES:

OF COUNSEL:

**MARK DAVIS-WRIGHT
07-B-3583
Upstate Correctional Facility
P.O. Box 2001
309 Bare Hill Road
Malone, New York 12953**

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 11th day of January 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The entire complaint is dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii)

for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated: February 4, 2013
Syracuse, New York



Honorable Norman A. Mordue
U.S. District Judge